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Dated: January 31, 2005

Signature:

(Matthew E. Hanley)

Docket No.: METLOG 3.3-005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rockstein et al.

Application No.: 10/018,622

Filed: March 12, 2002

For: MULTI-CHANNEL SCANNING SYSTEM
WITH COMMON DECODER

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: Group Art Unit: 2876
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: Examiner: A. Kim
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This communication is responsive to the Official Action mailed September 30, 2004. A petition for a one-month extension of time to and including January 30, 2005, is transmitted herewith.

The Examiner has rejected claims 3, 4, 7, 8, 10, 12, 14-16, 18 and 19 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,213,399 to Tsi ("Tsi"). This rejection is respectfully traversed.

Although the Examiner states that claims 7 and 15 are anticipated by Tsi, Tsi fails to disclose or teach all of the elements of these claims. For example, Tsi fails to disclose a "data element including data denoting a transition as mark-to-space or space-to-mark" as recited in both claim 7 and claim 15. When a bar code is being read and a transition between a mark and a space is detected, "the digitizer produces a transition data element including a sign value denoting the transition as

either a mark-to-space transition or a space-to-mark transition, and a time value denoting the duration of an interval between the transition which has just occurred and the last previous transition." (Present specification, ¶ 31.) Thus, data denoting a transition is created as well as a value denoting the length of time between transitions.

Tsi is directed to a multi-channel scanner which uses analog signals at different time intervals to measure black and white spaces. (Col. 13, lines 37-52.) *Tsi* uses these signals to store information regarding the width of the black and white spaces, as discussed in column 14 and depicted in Figure 12. *Tsi* does not disclose or suggest the transmission of data denoting a transition between the white and black areas.

The Examiner also states that independent claims 10 and 19 are anticipated by *Tsi*. However, *Tsi* also fails to disclose or suggest all of the elements of these claims. By way of example, *Tsi* fails to disclose a plurality of input channels "wherein at least one of said channels is a partially-active channel having active and inactive intervals" as required by both claim 10 and claim 19. The invention as claimed in claims 10 and 19 distinguishes between meaningful information received from the photodetectors and meaningless information received when the field of view of the photodetector is blocked or deflected away from the region in space where objects are to be read. These are active and inactive intervals.

As discussed above, *Tsi* receives analog signals from the two channels. After the signals from the two channels are added together, white noise is time averaged and suppressed. (Col. 13, lines 49-52.) Thus, *Tsi* has a completely different method of handling meaningless information. *Tsi* does not disclose or suggest active or inactive intervals associated with the various channels.

Claims 7 and 10 also recite "data stream means for accepting data elements from each channel and outputting a stream of data elements including data elements from said plurality of channels." Nothing in the prior art discloses or suggests merging data from plural channels in a particular way such that data elements for each "active interval" of a channel having active and inactive intervals into one stream of data. Tsi only discloses the merging of signals if both data streams cannot be decoded (col. 12, lines 41-45).

The dependent claims now in the application recite limitations in addition to those recited in the independent claims from which they depend. For this reason, these claims are submitted as being patentably distinguishable over the cited art.

In view of the foregoing remarks, this case is submitted as being in a condition for allowance. Favorable action is respectfully requested. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 518-6325 in order to overcome any additional objections which the Examiner might have.


If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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